

Kevin M. Osterberg (Bar No. 138760)
KOsterberg@hbblaw.com

HAIGHT BROWN & BONESTEEL LLP
3880 Lemon Street, Suite 410
Riverside, California 92501
Telephone: 951.341.8300
Facsimile: 951.341.8309

Attorneys for DEFENDANT,
CHRISTOPHER R. HAYS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

MELANIE WILSON,
Plaintiff,

v.

CHRISTOPHER R. HAYS; CITY OF
SAN DIEGO,
Defendants.

Case No. 16CV1161 BAS (DHB)

**JOINT MOTION TO EXTEND
TIME FOR DEFENDANT
CHRISTOPHER R. HAYS TO
RESPOND TO PLAINTIFF'S
SECOND AMENDED COMPLAINT
PURSUANT TO STIPULATION**

Judge: Hon. Cynthia Bashant
Crtrm: 4B

TO THIS HONORABLE COURT:

PLEASE TAKE NOTICE that pursuant to Civ.L.R. 12.1, Plaintiff

MELANIE WILSON, and Defendant CHRISTOPHER R. HAYS, through their
respective attorneys of record, stipulate and bring this Joint Motion to allow
Defendant CHRISTOPHER R. HAYS an extension of time to respond to Plaintiff's
Second Amended Complaint for the following reasons, and good cause:

1. The Court issued its' Order Granting Defendant Christopher Hays'
Motion to Dismiss on April 19, 2017. (Doc. 30) Plaintiff was given leave to file a
Second Amended Complaint on or before May 3, 2017.

1 2. Plaintiff filed her Second Amended Complaint on May 3, 2017, setting
2 forth one cause of action against Defendant Hays for violation of 42 U.S.C. 1983,
3 and one cause of action against Defendant City of San Diego pursuant to *Monell v.*
4 *Department of Social Services* 436 U.S. 658 (1978). Defendant Hays' response to
5 the Second Amended Complaint was due to be filed and served on or before May
6 17, 2017.

7 3. On May 15, 2017, the Parties attended a mediation with Judge Dickran
8 Tevrizian (Ret.) of JAMS. A tentative settlement of the entire action was reached,
9 which is subject to approval by the San Diego City Council.

10 4. In light of the pending tentative settlement of the entire action, Plaintiff
11 Wilson and Defendant Hays, by and through their respective attorneys of record,
12 hereby stipulate to extend the time for Defendant Hays to respond to the Second
13 Amended Complaint up to and including fourteen (14) days after the date set for the
14 San Diego City Council to consider, and approve, or deny, the tentative settlement.
15 The parties agree to update the Court once the date is set for the San Diego City
16 Council to consider the tentative settlement.

17 5. In the event the Court denies this Joint Motion, Defendant HAYS will
18 respond to the Second Amended Complaint on or before fourteen (14) days after the
19 Court issues its' ruling on this Joint Motion.

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS SO STIPULATED.

Dated: May 17, 2017

THE GILLEON LAW FIRM

By: /s/ James C. Mitchell
James C. Mitchell
Attorneys for Plaintiff,
MELANIE WILSON

Dated: May ____, 2017

HAIGHT BROWN & BONESTEEL LLP

By: /s/ Kevin M. Osterberg
Kevin M. Osterberg
Attorneys for Defendant,
CHRISTOPHER R. HAYS